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OFFICE OF PETITIONS

In re Application of	:
Donald Henry Willis et al	:
Application No. 09/803,485	: DECISION ON PETITION
Filed: March 9, 2001	: UNDER 37 CFR 1.137(b)
Attorney Docket No. PU010032	:

This is a decision on the petition under 37 CFR 1.137(f), filed July 22, 2003, to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f). This is also a decision on petition under 37 CFR 1.137(b), filed September 26, 2003, to revive the above-identified application for failure to reply to the non-final Office action of November 26, 2002.

The petition under 37 CFR 1.137(f) is dismissed as **MOOT**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The record discloses that, on March 9, 2001, the date of filing of the instant application, there is no indication that applicants had submitted a nonpublication request under 35 U.S.C. § 122(b)(2)(B)(i) certifying that "the invention disclosed in the attached **application has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing."

In the instant application, since the record fails to disclose that a Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) was present on filing the application, the filing of a petition to revive thereunder is unnecessary and is dismissed as involving a moot issue.

However, the above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 26, 2002, which set a

shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 27, 2003.

This application is being forwarded to Technology Center AU 2673.

Any inquiries concerning this decision may be directed to Wan Laymon at (703) 306-5685.

A handwritten signature in cursive script that reads "Frances Hicks".

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy